



LAND AT FAIRHAVEN, NORTHSANDS, SALCOMBE





**PLANNING REF: 0532/25/OPA**

**DESCRIPTION:** Outline planning permission with some matters reserved for erection of a single dwelling (resubmission of 3268/21/OPA)

**ADDRESS:** Proposed Development Site at Sx731384 (adjacent to Fairhaven), Sandhills Road, Salcombe

14<sup>th</sup> April 2025

## **LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY**

### **The South Hams Society interest**

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

### **Planning history of the site.**

**9/41/0351/74/1** - Erection of detached house and garages – **Refused** – ‘*Development on a plot of this size would be out of character with the properties in substantial grounds and be inconsistent with the preservation of the special appearance and character of the area located in an Area of Outstanding Natural Beauty of the County Development Plan and adjacent to a Coastal Protection Area*’.

**Note:** The location today remains directly adjacent to the Undeveloped Coast and 65 metres from the Heritage Coast.

**41/0959/86** – dwelling and garage – **refused and dismissed at appeal**

**41/1596/94** – dwelling and garage – **refused** reason for refusal – ‘*The proposed dwelling would be harmful to the appearance and character of the area which is situated within an Area of Outstanding Natural Beauty and would increase the density of development contrary to the provisions of the Local Plan. If permitted, the dwelling would create a precedent for similar development on other sides within the Local Plan Policy Area which would cumulatively erode the special character of this area*’.

**41/2487/11/F** – erection of single dwelling **Refused** 2nd April 2012 – Reason – ‘*The proposed dwelling would be harmful to the character of the area and appearance of the landscape which is designated an Area of Outstanding Natural Beauty. The proposed built development would increase the density of development harmfully altering the mature gardens and low density that characterise the area contrary to saved Policy KP11 of the South Hams Local Plan and CO3 of*

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*the County Structure Plan, CS9 of the Core Strategy and DP2 of the Development Policies DPD and no other material considerations indicate otherwise’.*

**41/0888/13/F** Resubmission of planning application 41/2487/11/F for the erection of single dwelling. **Refusal**

*‘The proposed dwelling would be harmful to the character of the area and appearance of the landscape which is designated an Area of Outstanding Natural Beauty. The proposed built development would increase the density of development harmfully altering the mature gardens and low density that characterise the area contrary to saved Policy KP11 of the South Hams Local Plan and CS9 of the Core Strategy and DP2 of the Development Policies DPD and no other material considerations indicate otherwise’.*

**3010/18/FUL** Erection of a single dwelling. **Refusal** – First reason given.

*‘The proposed dwelling would be harmful to the character of the area and appearance of the landscape which is designated an Area of Outstanding Natural Beauty. The proposed built development as a result of its form, scale and footprint would increase the density of development. This would harmfully alter the undeveloped nature of the mature gardens and woodland and detract from the recognised low density character of the area contrary to saved Policy KP11 of the South Hams Local Plan and CS9 of the Core Strategy and DP2 and DP5 of the Development Policies DPD and Emerging Plymouth and South West Devon Joint Local Plan Policies DEV24, DEV7, DEV30 and the National Planning Policy Framework, specifically paragraphs 170, 172 and 175’.*

**The Case Officer stated:**

*‘Put simply, any visible intrusion by built development or loss of vegetation is likely to harm the characteristics of North Sands and Sandhills. Although the design in its own right has had considerable input and evolution from the Design Review Panel, the development still amounts to a large dwelling within an undeveloped section of land which contributes to the low density character of North Sands and Sandhills. This proposal, even after it has been reduced and amended from prior refusals, remains a substantial building in an otherwise wooded site which is also the subject of a Tree Preservation Order.*

*National Planning Policy Framework paragraph’s 170 and 175 concern the protection of woodland, paragraph 175 ( c ) specifically states that ‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists’.*

*Policy DP5 states that Development likely to have an adverse effect on the nature conservation or geological interest within Strategic Nature Areas, National Nature Reserves, County Wildlife Sites, County Geological Sites, Ancient Woodland or sites/features identified as having similar substantive interest, including veteran trees, will not be permitted, unless the benefits of the development clearly outweigh the identified biodiversity or geological value of the site/feature.*

*Officers consider that development in this location could place pressure on the requirement for these trees to be pruned or felled due to the presence of the dwelling within this tree grouping and it is considered that the development is therefore contrary to NPPF paragraphs 170 and 175 as there is no wholly exceptional reason for development of this nature in this location, no*



*suitable compensation strategy exists and the benefits of a dwelling do not outweigh the impacts to the woodland setting It is concluded that the proposed new dwelling will harmfully alter the character of North Sands and the AONB landscape by introducing development that erodes the low built density character and wooded appearance of the area. The measures and justifications for the development, for example the additional planting and building reduction, are not considered to overcome these substantial concerns’.*

**3268/21/OPA** Outline application with all matters reserved for erection of single dwelling.

The Council failed to determine the application within the prescribed period and the applicant referred the application to the Planning Inspectorate for a decision.

The Planning Inspector stated:

*‘Since the appeal has been made, the Council has provided reasons that they would have refused planning permission for, had they retained jurisdiction to do so. With these reasons for refusal in mind, I consider the main issues to be:*

- *The effect of the proposed development on the character and appearance of the area;*
- *Whether the proposed development demonstrates adequate foul drainage arrangements;*
- *Whether the proposal makes adequate provision for the inclusion of carbon reduction measures; and*
- *The effect of the proposed development on highway safety’.*

***‘Character and appearance***

*6. The appeal site forms part of a substantial garden associated with a property known as Fairhaven. It is in a prominent location on a southwest facing hillside and is positioned between Fairhaven to the east, St Elmo Court to the West, and White Lodge to the north. Salcombe is designated a ‘smaller town’ within the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (LP), and as such, Policy TTV1 of the LP provides support for appropriate levels of development in such location, although the site is not ‘allocated’ for development as set out within Policy TTV24.*

*7. The site is terraced above an area of garden and a steeply sloping access drive to the south with the site further rising steeply to the north. A number of mature trees within large mature gardens, and well-spaced buildings within a low-density area form a wooded hillside character which is a visually attractive and distinctive area within the South Devon Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of the AONB and paragraph 176 of the National Planning Policy Framework (Framework) requires that great weight is given to conserving and enhancing the landscape and scenic beauty of the AONB. Although in outline form, the submitted block plan indicates a potential site for a single dwelling to the rear centre of the site which I have treated as illustrative.*

*8. The hillside which the site is situated on forms an important backdrop to numerous viewpoints of this part of the locality and AONB from the south including Cliff Road and North Sands Bay. It may be the case that from certain viewpoints a carefully designed dwelling on this site would be screened by mature trees, although this screening would likely decrease in the winter months due to leaf fall. However, notwithstanding any screening, a dwelling on this site, would*

*undoubtedly be evident from numerous viewpoints as described above and those at Sandhills Road.*

*9. I have been provided with Tree Preservation Orders (TPO)<sup>2</sup> confirming that the site falls within an area TPO with nearby individually protected trees. A plan detailing root protection areas (RPA) within the site has also been submitted by the appellant. The Council is concerned that the information submitted with the application was not sufficient to adequately demonstrate that retained protected trees would not be significantly affected by the proposals, or that appropriate mitigation would be provided. From my site visit, I find that the trees and planting on and around the site make a significant positive contribution to the visual amenity and character of the area from both close and long-distance viewpoints due to their prominent position on the hillside contributing to a wider wooded vista.*

<sup>2</sup> TPO 806462 – 86 & TPO 806462 681

*10. The appellant indicates that the Council had previously agreed to the removal of a group of trees referenced G20 within the RPA. Even if this were so, and it would be possible to develop the site without impinging on root protection areas, I find that the proposal is likely to result in future pressure for tree works from future occupants of the proposed dwelling. This is as a consequence of the restricted area a new dwelling would need to be sited to avoid root protection areas and the resulting limited distance from existing mature trees impacting on light, thus creating a desire for removal of overhanging limbs, particularly given the views available from the site. Notwithstanding, the presence of the TPO means that any future work to be undertaken on the trees would require consent from the Council. Given the positive contribution I have found of the trees to the area, any additional tree removal or works will further reduce tree coverage harmfully impacting on the wooded character of the area.*

*11. The Design and Access Statement (DAS) explains how the proposal seeks to result in a carbon neutral high standard of design, with ecological and biodiversity gain and an enhanced landscaping scheme and that the current agents are experienced in high level design. My attention has also been drawn to recommendations of a Design Review Panel, however whilst relating to this site, it is in relation to a differing proposal than this appeal to which I have not been provided detail, and therefore I can only afford minimal weight to these recommendations.*

*12. I acknowledge that the proposal seeks to establish the principle of a single dwelling on a site within the settlement of Salcombe, and the appellant has ambitions for the proposal to be of a high-quality design in accordance with the Framework. It has also been put to me that there is potential for alteration of the site without the requirement for further permissions from the Council, although this is somewhat limited by the existence of the TPO.*

*13. Notwithstanding that matters of appearance, landscaping, layout and scale are reserved, the proposal would inevitably result in the introduction of further built development in what is an undeveloped parcel of land. I find that a building on this site, even if this were of high-quality design, would harmfully impinge on the overall character of the area by introducing additional built form in closer proximity to surrounding development within this low-density area, together with impacts on existing mature trees and planting. Consequently, the proposal would erode the sense of openness and character of this wooded hillside which I find contributes to the natural beauty of this part of the AONB.*

*14. Therefore, whilst the proposal in this location would not conflict with the aims of Policy TTV1 or TTV24 of the LP given the proposal is for a single dwelling, I have found the proposal would harm the area's overall character and appearance and detract from the landscape and scenic beauty of this part of the AONB. This would result in a conflict with the aims of Policies SPT1, SPT2, DEV10, DEV20, DEV23, DEV25, DEV26 and DEV28 of the LP and Policies ENV1 and ENV7 of the Salcombe Neighbourhood Development Plan 2018 – 2034 (NP). These policies seek, amongst other things, to ensure that development is of good quality that conserve and enhance the character and quality of area within which it is located; maintain the area's distinctive sense of place and existing low-density character; conserve the landscape and scenic beauty of the protected landscape; and, limit loss or deterioration of protected trees. The proposal would also be contrary to the provisions of the Framework in relation to achieving well-designed places which are visually attractive as a result of good architecture and of an appropriate density'.*

The appeal was dismissed.

#### **The outline planning application proposal.**

**The site is within the South Devon National Landscape where the character and scenic qualities are given the highest status of protection afforded by paragraph 189 of the National Planning Policy Framework, which attaches great weight to conserving and enhancing landscape and scenic beauty in National Landscapes.**

**Additionally, Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act (2023) has amended Section 85 of the Countryside and Rights of Way (CRoW) Act, to create a new duty for public bodies to 'seek to further' the statutory purpose of Protected Landscapes, which for National Landscapes is to "conserve and enhance the natural beauty of the area of outstanding natural beauty".**

The current proposal shifts the proposed building 17 metres towards Sandhill Road. The frontage of the building increases from 9 metres to 13.7 metres. The building will be 16.5 metres to the northwest of Fairhaven.

There are no elevation drawings submitted and therefore it is not impossible to assess the full landscape impacts of the proposed building position.

The proposed building will be situated 16.5 metres to the left of Fairhaven, a substantial Edwardian building.



It has been established that various TPO's are extant across the site and that Woodland Order W1 of TPO 681 lies upon the development area.

This Order protects all trees in existence from the date it was served in 2003 and the Society believes that this presents a significant material constraint to development both now and in the future.

**The Council's Tree Officer states in his report:**

***'The combined actions of the TPO and S85 enhanced Duty under the CroW Act combine to place a high level of importance for the unaffected retention of trees within the locality and National Landscape amongst other potential injurious matters that may arise through development in such constrained locations.***

***Noting the above it is officer view that reliance upon offsite trees to screen a development that may be removed due to disease or other disorder would lead to fragility of successful long-term integration of the dwelling into the protected landscape'.***

***'Whilst it is noted that the actual footprint of the dwelling could be accommodated within the open lawn area this is just one layer of constraint that trees would pose. Noting the above points it is officer view that the tenet of development here by way of Outline consent would inevitably lead to erosion of the adjacent sylvan cover which would be harmful to the purpose of the TPO and National Landscape equally'***

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The Joint Local Plan and the Neighbourhood Development Plan both set out Policies affording tree protection that are applicable to this application.

JLP Policy DEV 28 sets out protection from development that would result in the loss or the deterioration of the quality of:

- Ancient Woodland, aged or veteran trees or impact on their immediate surroundings.
- Other Woodlands or high amenity trees including protected trees.
- Important hedgerows including Devon hedge banks; will not be permitted unless the need for, and benefit of, the development in that location clearly outweigh the loss and this can be demonstrated.

### **Neighbourhood Plan**

A key objective of the Neighbourhood Development Plan is that:

*‘any future development must have due regard of it’s impact on the AONB, Undeveloped Coast, the rural landscape character and green infrastructure that surrounds the separate and distinctive settlements in the Parish, and the natural valleys and landforms’.*

The Society are of the opinion that any development on this site fails that ‘due regard’ and is therefore contrary to NDP Policies:

ENV 1 – which seeks to protect the characteristics and features of the AONB.

ENV 5 – protecting existing woodland area’s and the environmental quality of the estuary.

ENV 7 – seeking to maintain low density development, natural green spaces and trees.

The Society respectfully asks that South Hams District Council are mindful that they have a legal duty to protect and enhance the South Devon AONB, which is a nationally prized landscape and a major economic asset.

The Sandhills Road location, where natural open space and the retention of trees and vegetation between the properties provides a rare and attractive feature in this area of Salcombe, justifies the highest level of sympathetic assessment and protection.

The Society is of the opinion that the proposed development is unacceptable by virtue of its location within the South Devon National Landscape where the low density character contributes positively to the scenic quality of the town. Any potential removal of trees or hedges would have an adverse impact on the visual amenity, and there is the danger of likely future detrimental impact on the protected woodland when a dwelling is affected by seasonal debris fall/branch failure, inevitably resulting in applications to fell or prune trees.

We conclude therefore that given the positive contribution of the trees to the landscape, any loss or reduction would not conserve or enhance the landscape of the AONB as required by JLP Policies DEV 23 & DEV 25 and Policy SALC ENV 1 of the Salcombe NDP.

**The South Hams Society respectfully requests that this application is refused.**

For and on behalf of the South Hams Society.

Richard Howell,  
Chairman.

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Example of failure to protect the landscape in Sandhills Road.



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